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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,753	08/06/2001	Gregg Freishtat	16178.0001U1	9573
23859	7590	02/18/2010	EXAMINER	
Ballard Spahr LLP			GORT, ELAINE L	
SUITE 1000				
999 PEACHTREE STREET			ART UNIT	
ATLANTA, GA 30309-3915			PAPER NUMBER	
			3687	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/922,753	FREISHTAT ET AL.	
	Examiner	Art Unit	
	Elaine Gort	3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/26/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hung et al. (US Patent 6,760,429) in view of Bunting et al. (US Patent 6,134,530) and Gross (US 2002/0004735 A1).**

Hung et al. discloses the claimed method for selling goods and services in conjunction with the Internet, comprising the following being carried out by a computer or computers within a network (eg. See figure 5):

Receiving session information from a website about a customer session on the website, the website being associated with a selected enterprise from a plurality of enterprises and the session information comprising one or more products a customer is searching using a browser application executing on a customer computer (such as when the call center computer 512 receives information on website visited, column 6, line 24+ and figure 5):

Receiving customer information associated with the customer from the selected enterprise (such as customer's information such as IP address information, column 6 line 20, that is received by call center computer 512);

Executing, by the computer within the network of computers, a matching engine to determine one or more desirable sales associates from among a plurality of sales associates for the customer based on the session information, the customer information and the sales associate information associated with each of the plurality of sales associates (such as when the system determines the “appropriate agent” or assigns an agent, 518 fig 5. Examiner notes that in order to connect a customer with an “appropriate” agent the system must have information on the agents in order to make this determination, column 2 line 35. In the alternative see teaching below of Bunting regarding customer and employee profile data used to make matches);

Transmitting, by the computer within the network of computers, a signal to a computer associated with a selected one of the one or more desirable sales associates in order to notify the selected sales associate that the sales opportunity regarding the customer exists (for example, call center computer 512 sends a call request to the agent station computer 522, column 10 lines 25+):

Facilitating communication for a sales transaction between the customer computer (e.g. 502) and the computer associated with the selected sales associate (e.g. 522) via the Internet (e.g. 520, see figure 5);

Receiving by the computer within the network of computers, sales information (for example, call center computer receives “additional sales info useful in servicing customer” column 6 lines 25+ and the products the customer is interested in column 6 lines 23+);

Art Unit: 3687

Retrieving by the computer within the network of computers, from a database of collateral sales material, best practices information to assist with closing a sale given the sales associate information, the customer information and the one or more products the customer is searching (call center computer tracks the multimedia content the customer has received, column 6 line 24+. Examiner construes this information regarding the content the customer has received to be "best practices information" that is helpful to assist the sales associate with closing a sale); and

Providing, by the computer within the network of computers, to the computer associated with the selected sales associate, the session information, the customer information, and the retrieved information (the call center computer 112/512 provides the agent stations 114/522 customer information for use during the call, this information is defined in column 6 lines 18+ to include websites visited/session information, IP address/customer information and multimedia content the customer has received/retrieved best practices information).

But does not clearly disclose:

Determining, by the computer within the network of computers, from the session information and the customer information that the customer constitutes a sales opportunity appropriate for sales assistance;

Matching calls to sales associates using sales associate information; and

Where the information provided to sales associates found to be effective in closing a sale is based on sales associate information associated with the selected sales associate.

Art Unit: 3687

Bunting teaches that it is old and well known in the art of service routing systems to identify a sales opportunity appropriate for sales assistance based on session information and customer information (for example, column 4 line 58+ teaches determining a cross-sell opportunity based on the customers profile and actions, construed as customer information and session information) and to use sales associate information to determine an appropriate agent (employee profile, column 9 line 29+).

Gross teaches that it is old and well known in the art of sales to provide sales representatives with information relating to estimates of the commissions that they will make on a sale [0008].

Therefore it would have been obvious to one of ordinary skill in the art to modify Hung et al. to determine that a sales opportunity exists for an appropriate sales assistance and matching calls to associates based on sales associate information as taught by Bunting in order to determine an appropriate sales agent to assist the customer; and to use selected sales associate information, such as potential commissions, to determine information effective in closing a sale in order to provide sales agents with agent specific information, such as their estimated commission.

Response to Arguments

3. Applicant's arguments with respect to claim 69 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gort can be reached on 571/272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3687

Elaine Gort
Primary Examiner
Art Unit 3687

February 15, 2010